

AO 91 (Rev. 08/09) Criminal Complaint

## UNITED STATES DISTRICT COURT

United States District Court  
Southern District of Texas  
FILED

for the

Southern District of Texas

MAY - 5 2016

David J. Bradley, Clerk

United States of America )  
v. )  
Luis Jacobo GONZALEZ )  
YOB: 1989 )  
United States Citizen )

Case No. M-16-0858-M*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 04/06/2016 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

*Code Section**Offense Description*

18 USC 922(g)(1)

Unlawful to possess a firearm that had previously traveled in and  
affected interstate commerce while being a previously convicted  
felon.

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

Approved by, David A. Lindemann  
*[Signature]* 5-5-16

*[Signature]*  
Complainant's signature  
Joshua A. Wedesky - ATF Special Agent  
Printed name and title

Sworn to before me and signed in my presence.

Date:

May 5, 2016 3:44 pm*[Signature]*  
Judge's signature

City and state:

McAllen, Texas

U.S. Magistrate Peter Ormsby  
Printed name and title

**ATTACHMENT A**

I, Special Agent Joshua A. Wedesky, affiant, do hereby depose and state the following based on firsthand knowledge as well as information relayed from other members of law enforcement:

I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been a law enforcement officer since March 2015.

1. My duties include the investigation of violations of Federal firearms laws. I know it to be unlawful for any person who has previously been convicted of a felony to possess a firearm.
2. On April 6, 2016, the Hidalgo County Sheriff's Office responded to the scene of a home invasion at 12709 Hermosa Vida Dr., Donna, Texas, which was near the crossroads of Dillon Road and Canton Road in rural north Donna, Texas.
3. Based on statements and pictures taken by witnesses, three (3) white pickup trucks to include a white single-cab Chevrolet Z-71 (black rims), a white Ford F-250, and a white Chevrolet Avalanche with grey trim (missing front passenger side panel) pulled into the driveway of 12709 Hermosa Vida Dr., and multiple individuals exited the vehicles with masks and firearms and entered the residence. After a few minutes, men were seen carrying bundles to the trucks, and then the Chevrolet Z-71 and the Ford F-250 left the scene. The Chevrolet Avalanche was unable to leave the scene, and the driver (Luis Jacobo GONZALEZ) left the scene on foot and was apprehended near Dillon Road and Canton Road by a Hidalgo County Sheriff's Deputy.

**ATTACHMENT A**

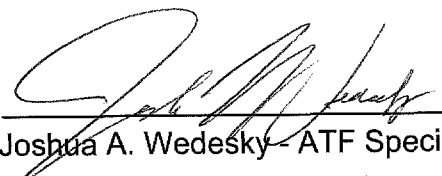
4. After clearing the Chevrolet Avalanche, Hidalgo County Sheriff's Deputies observed the firearm in the rear floor board of the truck in plain view. Pursuant to a State Search Warrant, Hidalgo County Sheriff's Investigators recovered a Marlin rifle Model: 60, Caliber: .22, Serial number (MM55555I). Hidalgo County Sheriff's Deputies also observed approximately one (1) pound of marijuana in the Chevrolet Avalanche in plain view, along with the firearm on the rear floor board.
5. Your affiant, along with Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Special Agent Robert Flores and Homeland Security Investigations (HSI) Special Agent Pablo Silva and Special Agent Jean-Paul Reneau, interviewed Luis Jacobo GONZALEZ at the Hidalgo County Sheriff's Office on April 7, 2016. In that interview, GONZALEZ claimed possession of the firearm, he claimed possession of the marijuana and the white Chevrolet Avalanche, and he admitted that he was a previously convicted felon.
6. Your affiant obtained copies of Judgement of Conviction documentation from the 275th Judicial District Court of Hidalgo County, Texas (Judge Homer Salinas) for a felony committed by Luis Jacobo GONZALEZ on April 28, 2009 for Aggravated Assault (CR-1060-09-E). GONZALEZ was sentenced to three (3) years imprisonment in the Texas Department of Criminal Justice.
7. Your affiant met with DWI Court Supervision Officer (139th District Court) Alex Martinez from the Hidalgo County Community Supervision and Corrections Department - Adult Probation Office. Martinez was the probation officer of GONZALEZ for a previous State Jail Felony, and he confirmed that GONZALEZ was a felon and that he had supervised the probation of GONZALEZ until he was convicted of the Aggravated Assault charge on April 28, 2009 (CR-1060-09-E).

**ATTACHMENT A**

8. Your affiant had an ATF interstate nexus expert examine the aforementioned firearm. He determined that it was manufactured outside of the state of Texas and therefore traveled in interstate commerce if found in Texas.

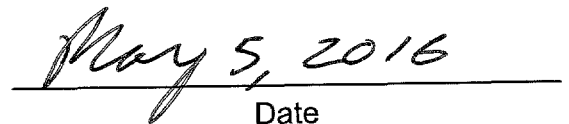
**ATTACHMENT A**

9. Based upon the previously stated facts, your affiant believes that GONZALEZ has committed the following violation: Title 18 USC 922(g)(1): possessing a firearm while being a previously convicted felon.

  
Joshua A. Wedesky - ATF Special Agent

Sworn to before me and subscribed in my presence,

  
U.S. Magistrate Peter Ormsby

  
Date